

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JAMES BAKER,	:	
Petitioner,	:	
	:	
v.	:	No. 2:20-cv-00927
	:	
WARDEN-SCI MAHANOY,	:	
THE DISTRICT ATTORNEY OF THE	:	
COUNTY OF PHILADELPHIA; and	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF PENNSYLVANIA,	:	
Respondents.	:	

O R D E R

AND NOW, this 5th day of May, 2021, upon consideration of Baker's Petition for Writ of Habeas Corpus, ECF No. 1, the Government's response thereto, ECF No. 9, Baker's Exhibits, ECF No. 11, Baker's Supplemental Reply, ECF No. 12, the Report and Recommendation issued by Magistrate Judge Elizabeth T. Hey on December 22, 2020, ECF No. 14, the absence of any objections thereto,¹ and for the reasons set forth in the Report and Recommendation, ECF No.

14, IT IS ORDERED THAT:

¹ When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). "When no objections are filed, the district court need only review the record for plain error or manifest injustice." *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991); *see also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at *16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts "are not required to make any separate findings or conclusions when reviewing a Magistrate Judge's recommendation de novo under 28 U.S.C. § 636(b)"); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge's report and

1. The Report and Recommendation, ECF No. 14, is **ADOPTED**.²
2. The Petition for Writ of Habeas Corpus, ECF No. 1, is **DENIED**.
3. There is no basis for the issuance of a certificate of appealability.
4. The case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge

recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

² After review, this Court finds neither plain error nor manifest injustice in the Report and Recommendation, and accordingly, this Court adopts the Report and Recommendation in its entirety.